

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

—v—

Nico Burrell, et al.,

Defendants.

**USDC SDNY
DOCUMENT
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DATE FILED: MAY 10 2016**

15-cr-95 (AJN)

ORDER

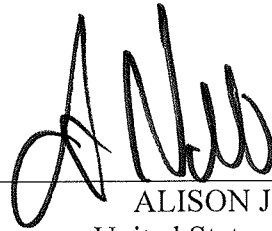
ALISON J. NATHAN, District Judge:

On May 9, 2016, the Government responded to this Court's request for the Government's views on "when learned counsel may be appointed for defendants who may face the addition of death-eligible charges" in this case, Dkt. No. 220. *See* Dkt. No. 260. The Government filed a similar letter in *United States v. Parrish*, No. 16-cr-212, a case before Judge Kaplan. After receiving the Government's submission in *Parrish*, however, Judge Kaplan instructed the Government to file another letter addressing the specific question of whether the Court has legal authority to approve the expenditure of CJA or other public funds for the appointment of learned counsel for any defendant in advance of the return of an indictment charging that defendant with a capital offense. *See* No. 16-cr-212, Dkt. No. 216. The Government is hereby ORDERED to file any letter responding to Judge Kaplan's inquiry in this case as well, and to do so by the May 16, 2016 deadline set by Judge Kaplan. To the extent defense counsel also wish to address this issue, any submission is due by the same date.

The Court is not likely to approve the appointment of learned counsel until it has resolved the question of when it has the authority to do so.

SO ORDERED.

Dated: May 10, 2016
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', written over a horizontal line.

ALISON J. NATHAN
United States District Judge